



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MEITZEN'S SIEDELUNG UND AGRARWESEN DER GERMANEN.¹

ONCE more we have a book such as those of the brave days of old, lordly in bulk, magistral in contents; none of the booklets of this effeminate age, but three ponderous volumes and, for additional ballast, a whole atlas of maps; no mere *Beiträge* or *Studien*, zur this or that, but a masterful grasp, a confident handling of the whole of a vast province of the world's history.

Since the death of Georg Hanssen, Professor Meitzen has been the acknowledged chief of agrarian historians and agrarian economists in Germany, and, indeed, in Europe. Serving as he did for many years as a commissioner to carry out partitions of land between peasants and landlords, he was able to form an intimate acquaintance with the minutiae of rural life: intrusted by the government with the task of drawing up a description of the agricultural condition of Prussia, he has enjoyed unusual official facilities in the collection of information. For more than a quarter of a century he has been travelling to and fro over Germany, gathering village maps and field plans; he has formed a score of pupils who have contributed to his store; and now the result, or, rather, one-half of the result, is before us. A subsequent series of volumes is to give us "the German colonization of the East," as well as "the system of large farming, and the progress and outlook of modern agriculture" north of the Alps. In these four he confines himself to the original settlement, and to the agricultural organization before it was broken in upon by comparatively recent forces.

That the book provides a vast amount of information need not be said. Had Professor Meitzen given us nothing but the village maps, he would have done us a great service: and their value will be increasingly recognized, even if the text to which they are attached should come to be disregarded. He has thrown out at least one large idea, — the idea that differences in village formation go along

¹ Wanderungen, Anbau und Agrarrecht der Völker Europas nördlich der Alpen. Von August Meitzen. Erste Abtheilung: Siedelung und Agrarwesen der Westgermanen und Ostgermanen, der Kelten, Römer, Finnen und Slaven. Berlin, Hertz, 1895. Band I, 623 pp., mit 52 Abbildungen; Band II, 698 pp., mit 38 Abbildungen; Band III, Anlagen, 617 pp., mit 39 Karten und 140 Figuren; Atlas zu Band III, mit 125 Karten und Zeichnungen.

with racial differences, — which is sure to play a great part in subsequent discussions.¹ Yet, somehow, one experiences a certain sense of disappointment as one makes one's way into the book. Professor Meitzen undertakes the most urgent of all historical tasks: he undertakes to set forth the origin and growth of the economic system of the middle ages — of what for brevity we may call 'feudalism' and 'serfdom.' We see the structure of exposition rise beneath his hands, yet we cannot help thinking it looks somewhat unsubstantial. There may be solid foundations beneath, there may be steel girders supporting the flying arches; but the ordinary spectator cannot discern them. In *Siedelung und Agrarwesen* we are given conclusions rather than argument: references are rare, and sometimes altogether absent at critical points. It would be pleasant to take it all on trust, were this not dangerous. Perhaps the reviewer's best course will be first to explain Dr. Meitzen's general plan, and then to select the central portion of his undertaking and set forth just what it is that we are there told.

Professor Meitzen begins by defining the area of "national² German settlement" — the untouched home of the German people (*Volksland*), bearing the exclusive character of a definite nationality (*Volksthum*), and never subjected to foreign influence.³ This he finds in the area bordered on the west by the Weser and the highlands which extend in a southwesterly direction to the junction between the Main and the Rhine; on the south (roughly) by the Main and the Thuringian forest; on the east by a line drawn between Leipzig and Kiel; and including on the north all the Scandinavian countries except Finland. This area, according to Professor Meitzen, is also distinguished from the lands on either side of it by the characteristic grouping of its rural habitations. In this *Volksland* they are grouped in large villages, with houses placed together in a compact group, but on no definite plan. *Dorf*, indeed, originally meant *Hauf*, a heap; and these purely German villages may, therefore, properly be termed *Haufendörfer*.⁴ Immediately to the west of them the peasants do not really live in villages at all: such groups of houses as look like villages are not ancient settlements of actual cultivators of the soil. They live, on the contrary, in isolated farmsteads, *Einzelhöfe*, each

¹ The idea has already been utilized by Professor Maitland, in whose *Domesday Book and Beyond* it appears in the contrast drawn between *nucleated villages* and *the land of hamlets and scattered steads*. Compare Maitland's maps, p. 16, with those of Meitzen, Anlagen 1, 2.

³ I, 33.

² No English equivalent can give an adequate impression of the flavor of *Volksthum*, *volksthumlich*, *Volksland*, etc.

⁴ I, 47.

with its own square or round fields surrounding it. To the east of the unspoilt Germans, on the other hand, there are again villages; but they are marked off from the truly German ones by their more formal shape — their houses are symmetrically arranged, either around a circular enclosure or on the two sides of a short street. These are christened *Runddörfer* and *Strassendörfer*. It is assumed, as the obvious conclusion to be drawn from geographical and historical facts, that the *Einzelhöfe* are to be regarded as characteristically Celtic, the *Rund-* and *Strassendörfer* as characteristically Slavonic.¹

Having thus marked out the boundaries of the three great territories to be investigated, Professor Meitzen gives, of course, the first place to the *Volksland*, and proceeds to describe its other "national peculiarities." They are what Mr. Seebohm and other writers have already made us familiar with in England — the intermixed strips, the compulsory rotation of crop and fallow (*Flurzwang*), the normal holding (*Hufe*) and the like. What is fresh in Meitzen's account is the stress he lays upon the division of the arable fields into *Gewanne* (*furlongs* or *shots*). This he explains as due to a desire to give each shareholder a piece of every sort of land;² and he regards it as so peculiarly characteristic of the villages of the *Volksland* that he drops the term *Haufendörfer*, and substitutes for it *Gewannndörfer*.³ In the *Uebersichtskarte*, prefixed to the atlas volume, the *volksmässige Gewinnndörfer der Germanen* occupy the centre of interest. But it can hardly be said that the propriety of the term has been altogether made apparent, for it seems that Russian village fields are also divided into furlongs.⁴

How, then, have these typical German *Gewannndörfer* arisen? Professor Meitzen gives us the answer, with hardly a tremor of hesitation, in a section occupying no more than thirty pages.⁵ That this is all the space he devotes to it, out of some nineteen hundred pages, shows how sure he is of his ground. But if once he is granted this for his foundation, it will be absurd to hesitate about anything else: here are to be found all the fundamental data on which he subsequently builds. This will be my excuse for dwelling at an otherwise disproportionate length on one little section, leaving the Swabians and the Franks, not to mention the Celts, the Romans and

¹ The possibility that such differences may be due to economic causes and not to racial differences is hardly referred to. But the remark (III, xxii) about the Alpine *Einzelhöfe* is probably capable of a wider application.

² I, 170.

³ I, 122.

⁵ I, 131-161.

⁴ II, 221, and Fig. 86; cf. II, 182, and III, Anlage 97.

the Slavs, to wait upon their unalloyed-German betters. To avoid misrepresentation, I shall largely quote Professor Meitzen's own words.

The Germans of the time of Tacitus, Professor Meitzen sets out by telling us, were definitely settled on the soil. But this had come to be the case only at a comparatively recent period. In Cæsar's time they still pursued "a pastoral life without permanent tillage": his description is altogether irreconcilable with anything like the later village. But the population was already as large as the country could bear with the methods then employed for obtaining food. Moreover, we must not think of the land as unpossessed, or of agricultural settlements as taking place in out-of-the-way wildernesses. All the land that could be made use of was already employed by the tribesmen,¹ and, in this sense, taken possession of.

No other conclusion is possible than that in the creation of fixed settlements we are to discern a crisis in the national life of the Germanic people — a crisis which was inevitable in its origin, and therefore made relatively rapid progress in the short space of a century.

The nature of this "crisis" is illustrated by the example of the nomad of central Asia at the present day, who turns to agriculture only when he can no longer maintain himself as a shepherd. Such resort to tillage on the part of the poorer tribesmen might, however, easily prove prejudicial to the interests of the wealthy herd-owners, who would find their pasturage encroached on and their herdsmen leaving them. Accordingly, the *magistratus ac principes*, as Cæsar tells us, would do what they could to limit in space and time these agricultural experiments. But they were not long able to keep the mass of the people content with an arrangement so unsatisfactory, and a permanent settlement had to be allowed.

We cannot but conclude that the pasturage must early have appeared insufficient, and have needed to be supplemented by tillage, and that, in spite of all the disinclination for the heavy work of the plow on which Cæsar and Tacitus lay stress, the mass of the poorer freemen must have been ready to carry on this tillage in such a way as to suit the wealthier men (who dominated them by means of their possession of the herds, on which all were still dependent), until a time came when they [the mass of the poorer freemen] realized that such a sporadic agriculture involved heavy labor on their part, without giving them the advantages which a fixed settlement would bring, in the way of personal independence and regular returns.

¹ *Stammesgenossen*. Dr. Meitzen does not anywhere, so far as I know, define *Stamm*. In I, 138, *Gau* is used as an equivalent or alternative.

We may well believe that "their betters" [*die Vornehmen*] endeavored to persuade them, both on public and private occasions, by all the considerations adduced by Cæsar,¹ not to give up the accustomed mode of life. In all the considerations there mentioned there is, indeed, no word of the main motive influencing the *principes* — the danger to their pastoral wealth and to their whole position in life: over that they were silent, though it must have been notorious. But this seems to show that Cæsar's account is correctly taken from the public speeches of wealthy Germans.²

The final adjustment "in the small democratic German tribal states" took place in "the sovereign popular assemblies" described by Tacitus. As the will of the majority of men under arms must finally have its own way,

the *principes* had at last to cease their opposition, and to bend all their energies to guide the revolution and to make it as subservient as possible to their wishes. Under the circumstances, these wishes of theirs centered in this: that the pasturages for their herds should be as little as possible encroached upon — that, in other words, a method of settlement should be carried out which should satisfy the main body of the common freemen upon a relatively small area of land, and leave sufficiently large stretches of land open, to be used, as before, for the raising of cattle. We cannot fail to recognize that the method of settlement displayed to us in the villages [on the one side] and the *marks* [on the other] satisfied the claims of both parties in the easiest possible way. The majority of the heads of families wished to settle down; and were assigned, group by group, the localities in the tribal territory (*Stammgebiet*) which were most fertile and had already been sporadically tilled. These allotments were so large that each group received as much land as seemed sufficient for the competent subsistence of its families, and not too much for the labor power of the several peasant families. The remaining land was retained by those who did not settle down to agriculture, to the exclusion in whole or in part of those who did so settle. We have already, in substance, the distinction between villages and *marks*.³

¹ "*Ejus rei multas afferunt causas . . .*"

² From which it will be seen that these Germans were already pretty self-conscious in their proceedings, and not unacquainted with the modern arts of politics. But there is more to come in the way of conscious planning.

³ Particular attention must be paid to Dr. Meitzen's use of this word *mark*. As will have been gathered from the above, he uses it, not as a synonym for a village or for village lands, but in contrast to them. In certain parts of Germany, notably around Hanover and Bremen, there are stretches of woodland controlled by corporations known as *Markgenossenschaften*, which are composed of persons, not living together on the land itself, but settled here and there, usually in neighboring but sometimes in quite distant places. As a rule, their rights in the *mark* are bound up with their arable holdings. They hold an assembly (to

A more distinct impression of these processes of settlement may be obtained, Professor Meitzen goes on to argue, from what we find in the hundreds. That the division into hundreds was an early institution of the German people and land cannot be doubted, nor that it had somehow to do with "120 freemen capable of bearing arms—roughly the same thing as 120 fathers of families." Unfortunately, there are certain historical difficulties about the hundreds of what is now Germany; and, to determine their original extent as geographical areas, we must have recourse to the "*Herads* or *Harden* of Schleswig, Jutland and the Danish Isles." "The *Harden* have been the foundation of the judicial and administrative system from time immemorial [*von jeher*], as the Danish laws of the thirteenth century show." Now the average size of the Danish *Herad* turns out to be 5.3 square miles, confuting the opinion of some that the hundred was the territory of 120 villages, and leaving open to us only the other opinion that it was the territory of 120 families. But for what purpose can the people have been divided into groups of 120 families? Not for war—for reasons we must pass over. The

determine upon common action in the use of the woodland) known as a *Märkerding* or *Markgericht*, but more commonly *Holdding*, presided over by an *Obermärker* or *Holzgraf*. There seems to be scarcely any documentary evidence concerning these *marks* earlier than the sixteenth century; and the only conclusion to be derived from their boundaries is that they are not identical with those of the *Gauen* (I, 129; III, 77-80). Professor Meitzen believes, however, and speaks throughout as if there could hardly be any doubt, that these *marks* are "remains of the old national land," and the rights to them "a survival from the national right of every member of the nation to make use of the pasture for his herd," etc. He chooses also to employ the term *mark* exclusively in this "stricter and more proper" sense. This usage will not, perhaps, altogether conduce to mutual understanding; but the word is intelligible enough in this sense when explained; and there can be no objection to it if we distinguish what is still unproven theory from the known facts of the case. But it is not clear why Professor Maitland (*Domesday Book and Beyond*, 354) should speak as if the use of the term "Germanic mark" for the German village was "a fashion" peculiar to "England some years ago." It was, of course, very common with German writers, and their language has influenced later German and French scholars, as well as English. For a very recent example, we may refer to Hildebrand's *Recht und Sitte auf den verschiedenen wirtschaftlichen Kulturstufen* (pp. 175 seq.). The fact probably is that the sharp distinction between a "loose" and a "proper" use of the term *mark*, such as we find in Dr. Meitzen and in the earlier chapters of Dr. Lamprecht's *Deutsche Geschichte* is a comparatively recent thing. The difficulty into which it brings Professor Meitzen may be illustrated from I, 573, where he almost complains of the Rhenish documents because "*die begreiflichen Auffassungen von Almende und Mark*" do not show themselves "*mit hinreichender Schärfe*"—that is, the documents do not harmonize with his "*Begriffe*."

reason for the particular number and for the size of its territory is best sought for in the economic field, and it is to be found in the conditions of pastoral life. One hundred and twenty pastoral families, consisting on an average of eight members each, would need for their support an amount of stock which (reducing horses, goats, sheep and swine to the common denominator, cows) may be reckoned at thirty-six hundred cows. Thirty-six hundred cows would need sixteen million kilograms of hay. To produce this quantity of hay, a territory would be required to roam over of about three square miles. Comparing this with the figure 5.3 previously obtained from Denmark, and 2.48, which is the average extent of the Swedish *Herad* in *cultivable* land, we arrive at the probable conclusion that about a hundred and twenty families are to be regarded as "the convenient and customary number to carry on the necessary common operations of a pastoral life." The hundred was originally the band of herdsmen,¹ and the term was naturally transferred to the territory over which its flocks and herds wandered.

Turn now to Germany proper. Cæsar tells us that the Suevi numbered 200,000 men capable of bearing arms. This means about 125,000 families,² that is, 1000 hundreds. By a striking coincidence, we find that the territory occupied at that time by the Suevi would actually allow each hundred on the average 2.4 square miles. This was still just enough; but it was a tight fit, even under pastoral conditions.

A doubling of the population, such as might come about in forty years of peace, could not be supported without a resort to tillage. Thus, then, we get to the appearance of villages, and the distinction between them and the *marks*, through the natural development of the original pastoral conditions. The custom of living in camp-companies [*Lagergenossenschaften*] of about one hundred and twenty families was for the time quite satisfactory. But when the numbers grew, and adjoining districts were taken up by other companies, there was nothing left for the mass of the people but to turn to tillage and a settled life, distasteful as these were to them. But in the territory already occupied there remained for a long time a surplus of land not required for agriculture, which was open as before to the rich herd-proprietors to continue their pasturing thereon.

In order that "the settlers" should be free from trouble from the "numerous herds of the pastoral economies" continuing outside, a

¹ *Die Hundertschaft der alte Hirtenhauf.*

² Reckoning half the population masculine, half of these children, and one-fifth of the rest impotent, 200,000 adult men means a population of 1,000,000. Reckoning the household at eight persons, the number of families comes out at 125,000.

certain definite area had to be marked out for them. This was the *Dorfmark*, the *Gemarkung*, the *Flur*, while outside lay the proper or common mark, the old *Volksland*.¹

Some of the *Dorfmark*, it is true, remained uncultivated ; this was, however, no longer a portion of the common mark, but the exclusive property in common of the settlers in the village. It is best designated *Almende*, to distinguish it from the tilled land actually divided up, on the one hand, and from the *Marks* proper, on the other.

It was equally necessary that the enjoyment of the marks should be free from dispute, and therefore defined.

At first, considerable detachments of the tribe (*Stamm*), especially the richer and more important members of it, will have continued to wander in the old fashion up and down the wide pasture grounds still left to them. But, as, sooner or later, all settled down,

something had to be determined about the land still outside the cultivated areas. This must have been the work of "the sovereign power, the tribal assembly." We must think of this power as "authorizing the settlements"; and we cannot suppose the process was carried out "without many proposals, contests, deliberations, agreements and contracts." The final outcome must have been the result of "contractual and legislative arrangements."

Assuming the amount of knowledge and organizing ability implied in the foregoing, we have no difficulty in explaining the *Hufen*. These were the equal shares given, immediately after the land had been taken up, to the several heads of families, themselves equal. "We have also to suppose that there were a certain number of rich men, who provided others with cattle and implements, and set them, whether free or slaves, to work in the *Flur*." It would be a natural corollary from the *Hufen* plan to give such men two or more shares of land, in proportion to the labor force contributed, without regard to the status of the laborers, considering that they would have to bear in like proportion the public burdens which were assessed on the *Hufen*. And finally we have (for various reasons) to think of these village settlements as settlements of kindred (*Familien oder Sippenansiedelungen*). Within the kindred there must have been other inequalities, due to the privileges of the head of kin and the shifting claims of inheritance.

¹ This, it will be observed, is a different use of the word from that in the opening sections. It is akin to the meaning that until recently was attributed to the English *folcland*.

Here, then, drawn in strong and clear lines, is the constitution of the earliest settled agricultural society in Germany, as set forth by Professor Meitzen. The above statement of his conclusions contains also all the arguments with which he supports them; and it will be sufficient of itself to suggest grave scruples in the way of their acceptance. Without, however, raising any of the more fundamental questions which the problem involves, let us follow Professor Meitzen's own train of thought and call attention to one or two of the difficulties that occur.

Professor Meitzen refers to the phenomena of nomad life in the present day in central Asia as explaining the forces at work in the German transition to agriculture. A convenient collection of citations from von Middendorf and other recent travellers will be found in Professor Hildebrand's *Recht und Sitte*¹ (1896) — a book, be it said in passing, which contains a singularly fresh and independent treatment of the anthropological evidence and of its bearing on the problem of Germanic origins. But when one comes to look into the actual course of affairs among the pastoral peoples of central Asia, one finds that it differs in every single respect from that imagined among the Germans, except in the one circumstance that want of food leads in some way or other to a resort to agriculture. Among the Kirghises and similar peoples, (1) it is occasional individuals, or families here and there, who, falling into poverty from the loss of their herds through pestilence or other causes, (2) are obliged to consent to receive plow-oxen, seed, *etc.*, from the hands of their wealthy neighbors, and stay behind (or return from time to time) to cultivate patches of land, (3) falling thereby into a certain dependence² upon the owner of the stock, to whom they pay a fixed proportion of the annual crop, retaining for themselves hardly more than enough to live upon. This is, however, altogether different from the settlement (with the consent and after the deliberation of a sovereign legislature) of whole village groups, consisting of men who, though poorer than others of the tribe, are yet, for the most part, able to set up their little establishments independently of those who do not choose

¹ See p. 47.

² It is true, as has been said, that "dependent" and "independent" are "inexact and ambiguous." But it may well be that the situation is incapable of exact and unambiguous statement in modern English. Thus, in the present case, one observer distinguishes only between "*les maîtres du bétail et les laboureurs*," while another does not hesitate to speak of "*Sklassen*." We may be pretty sure, however, that either "laborer" or "slave" would give a mistaken impression. "Dependent" would seem a more entirely non-committal word.

just yet to settle down. Notice, also, that while the Kirghises are able to go on in the way described for an indefinite time,—the great majority of the tribe, including certainly the wealthy owners of large flocks, showing no disposition to abandon their pastoral life,—Dr. Meitzen imagines all the Germans to have been led, “sooner or later,” by the pressure of population on the means of subsistence, to settle down to agriculture, apparently in the same sort of villages as were established by the “poorer freemen” who first set the example.

There is another criticism to offer. Dr. Meitzen’s German population is made up of “the rich” (*die Vornehmen*) and “the poorer freemen” — the latter being, however, economically independent. One would hardly guess from his account that there existed any other class.¹ But, if we are to get any suggestions at all from central Asia, it is surely worth while remembering that Tacitus describes a class of persons among the Germans whom he calls *servi*, but goes on to compare to the Roman *coloni*—not, he tells us, attached to their lord’s household, but each having his own homestead and paying dues in kind. The resemblance between these Tacitean *servi* and the Kirghis tillers of the soil would seem too obvious to be passed over in silence.²

Let us now pass to the second period in the great historical process, the period of transition from the villages and marks thus described to the landlordship (*die Grundherrschaft*) of later times. The matter, so far as “the old, never-Romanized national lands”³ are concerned, is disposed of with the same astonishing brevity. A section of some twenty-eight pages⁴—all that is assigned to it—is occupied with the same large assertions and general considerations as make up the thirty already looked at. But, as it is entitled “the *entrance*” of landlordship, and is preceded by a section entitled “the *origin* of landlordship on Romance soil,” we must look first at the latter.

Leaping over the territory between the Weser and the lower Rhine, occupied since a very early period by Celtic *Einzelhöfe*, we find, according to Dr. Meitzen, villages of the German type scattered all over the Celto-Roman territory overrun by the German arms—in south-

¹ The case is imagined of “*Vornehmen*,” who “*Freie oder Knechte zur Arbeit in den Flur stellen*.” But this is clearly regarded as exceptional.

² When we compare “*frumenti modum . . . dominus injungit ut colono*” with v. Middendorf’s “*Anteilswirtschaft ist im Lande durchgängig im Gebrauch, so dass der Arbeiter einen bestimmten Anteil an der Ernte bezieht, im Uebrigen aber nicht eigentlich höriger Knecht ist*,” anthropology begins to seem of some use.

³ The phrase of the first volume “*Volksland*” is replaced in the second by “*Volkslande*” and “*Volksländer*.”

⁴ II, 294–322.

ern Germany, on the middle Rhine, and in a great part of northern France and of England.¹ These represent settlements of the national sort (*volksmässigen Dörfergründungen*), wherein the majority of the free tribesmen (*die freien Stammesgenossen*) were able to satisfy the economic impulse which had driven them forward. But by their side were to be found, from the first, something very different, to wit, estates belonging to landlords and cultivated by various classes of dependents; and in some districts, such as northern Gaul, these estates from the beginning greatly preponderated over the free villages. Here the Germans entered as "a ruling, land-possessing, military aristocracy," receiving, as the reward of conquest or from the subsequent favor of the kings, what had previously been the property of the Roman state or of the provincial magnates. Professor Meitzen goes over the familiar ground of the development of the benefice and the feud. Into this we need not follow him: as to the upper stages of the feudal structure there is comparatively little uncertainty. It is with the lower stages that we are now concerned; and, as to these, we gather from Professor Meitzen (1) that such estates were already in large part cultivated by *coloni*, who were left undisturbed; (2) that where *coloni* were not already to be found, or not in sufficient numbers, the new owners would be anxious to bring on to their lands "free or unfree folk who should take holdings in return for services, money payments or rents in kind" (from what classes we may suppose them drawn we are not told); (3) that such newly planted colonies "might, indeed, conform in external appearance to the national popular (*volksthümlich*) village arrangement, e.g., in the partition into *Hufen*, but would really be fundamentally different from them." In such plantations there could be no claim to equal treatment in the allotment of land; accordingly, there would be no reason for the *Gerwanne*; indeed, each peasant's land could be given him in a few biggish blocks, of oblong or round shape. We are also shown, following Brunner, the various ways in which the seignorial jurisdiction can be supposed to have grown up.

But, meanwhile, there also existed, as already observed, in other parts of the conquered provinces "the possessions of the great body of the common German freemen,"² which at first and during the early centuries cannot, says Professor Meitzen, have been appreciably affected by the contemporary landlord estates. In the long run,

¹ This conclusion is depicted on Anlage 66 a.

² "Der Besitz der angesiedelten gemeinfreien deutschen Volksmasse," II, 280. Cf. the observation as to "die altherkömmliche Volksgemeinde, II, 275.

however, even the old original free settlements fell in large measure under the power of lords. But as to the how and the why Professor Meitzen has little to tell us. Indeed, he seems to pass over the problem very lightly, and is inclined to forget the sharp distinctions which he drew at the outset. So far as we can disentangle his meaning, it is that the fall of the common freeman was due to royal grants of jurisdiction and military command from above, and to commendation and surrenders of various kinds on the part of the peasants from below. But there is absolutely not a single reference given in the few pages devoted to the subject. Professor Meitzen evidently regards himself as building on the sure foundation of German historical science. The explanation, inadequate before, does not sound any the more adequate as he states it.

Pass now from these Romance lands to the untouched-German soil, and we shall find that, in Professor Meitzen's view, the same process was repeated there, with apparently these two differences: first, that it took place some centuries later (not beginning in the Saxon land till the campaign of Charles the Great in 782); and, secondly, that the form of landlordism that now entered into competition with the *alten Volksthum* was the Frankish seignury, the hybrid growth (*die neue Mischform*) from the diverse forces at work in the earlier period on Romance soil. From the forest lands (the *marks*), taken more or less into the possession of the conqueror, lordships were carved, and the like was done with confiscated lands. For these estates their new owners would seek to get tenants; as before, we are not told where they were to come from. Even with those freemen who remained undisturbed in their holdings, the situation must have been fundamentally changed by a concurrence of forces: from below, by the need of commendation or surrender to a lord to secure protection or relief from public burdens, by the introduction of the Roman theory of property, and by surrender to the church; from above, by grants of a jurisdiction which ultimately turned itself into landlordship. As before, all this is apparently offered to us as the unquestioned result of historical inquiry. If it is in any way rendered a more sufficient explanation of subsequent facts by the mass of modern agrarian data accumulated by Professor Meitzen, the fact is not apparent in these sections; and, to judge from the careful table of contents, there is no other appropriate place for it.

It may be observed, however, that Professor Meitzen departs occasionally from his own position that "the condition of public law must be supposed in all essentials the same at the time of the

Frankish invasion as at the time of Tacitus"—that is, as described by him. Thus, apropos of Nithard's division of the Saxon people into *edhilingi*, *frilingi* and *lazzi*, he remarks that "in these *lazzi* we are to see conquered folk who had been allowed to remain in their old possessions, paying dues, and with a diminished freedom."¹ In his account of Tacitean times, as we have seen, no such class is contemplated. Later he speaks of the surrender by individuals of separate *Hufen* to magnates, "shaking both the popular common and the free *lassitic peasant communities* in their communal independence."² And we are told of "crown lands" and of "estates (*Güter*) of the nobles," such as we should hardly expect in a *Volksland* so *volksthümlich*, as we have had it described to us.

As the present writer has worked his way through the two or three sections selected for special examination, he must confess that his disappointment has deepened. What Professor Meitzen has done has been to show the possibility of new and interesting means of approach to the solution of a great problem, the genesis of mediæval serfdom.³ That means of approach is the study of agricultural practice and rural conditions as they are to be found to-day, and in periods for which we have abundant evidence. Thereby he has opened a new period in the work of the economic historian. And he has contributed towards the data of this study a great mass of material. Yet it cannot but prove a hindrance to the proper use of his work, and it will probably delay not a few in their unbiased approach to the field, that he has at the same time spoken in the tone of one who can already determine the fundamental questions involved. The main lines of his theory, so far as central Europe is concerned, are after all nothing but those already laid down by the school of German constitutional and legal historians which reached its highest points in Waitz and Brunner. With his agrarian-economic material it has the loosest possible connection. And as the general conclusions of the German mediævalists are hardly any longer (outside Germany) received with the same confidence as of yore, as the beautiful picture of the German freeman is now beginning somewhat to fade, we shall perhaps best show our gratitude to Professor Meitzen by assiduously combining and recombining the definite facts he lavishes upon us, while carefully putting on one side, for the time, the broad generalizations by which they are accompanied.

HARVARD UNIVERSITY.

W. J. ASHLEY.

¹ I, 297. ² I, 304. The German sentence really cannot be translated.

³ In the modern literary sense of the term.